

REMARKS

In the action of September 17, 2004, the examiner rejected claims 25-29, 34 and 36-38 under 35 USC §102 as anticipated by Sorton; rejected claim 34 under 35 USC §102 as anticipated by Fawcett *et al*; rejected claim 33 under 35 USC §103 as unpatentable over Sorton in view of Fawcett *et al*; rejected claim 35 under 35 USC §103 as being unpatentable over Fawcett *et al*; and rejected claims 20-24 under 35 USC §103 as unpatentable over Jensen. The examiner indicated that claims 30-32 contain allowable subject matter.

With respect to claims 25-29 and Sorton, Sorton discloses a tool for use in mounting a joist hanger. Sorton discloses a magnetic holding device, including an elongate member 14 and at least one magnet 46. The magnets are used to hold the joist hanger in proper position on a header 37 to enable the joist hanger to be correctly affixed to the header. Note, however, that the configuration of the elongate member of Sorton is such that there is no suggestion or teaching concerning the holding of material between the magnets and the magnetically receptive surface. In Sorton, there is no room for such material, and in fact, any room would be undesirable, as it would detract from the proper positioning of the joist hanger relative to the header.

Hence, Sorton and its particular structural arrangement teaches away from the structural feature of claim 25 concerning the elongate member being adapted to hold material between the magnetic surface and a magnetically receptive surface. Hence, claims 25 and the claims dependent thereon are patentable over Sorton.

With respect to claim 34 and Sorton, Sorton does not appear to teach the specific structural limitation in amended claim 34, in which ferromagnetic material extends between the pair of magnets within the housing. Accordingly, claim 34 and the claims dependent thereon are patentable over Sorton.

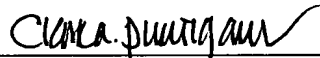
With respect to claim 34 and Fawcett *et al*, Fawcett discloses a magnetic holding device which comprises an elongate housing member 2 containing at least one pair of magnets at longitudinally spaced apart positions. Ferromagnetic material 10 is provided under each magnet, but does not extend between adjacent magnets. Amended claim 34 includes the limitation that the ferromagnetic material extends between the pair of magnets. Accordingly, claim 34 and the claims dependent thereon are patentable over Fawcett.

With respect to claim 20 relative to Jensen, Jensen discloses a magnetic corner protector, which protects a structural corner (such as a house wall corner) from contact during carpet-laying, as an example, or other construction. In terms of the specific steps in the method, there is no disclosure in Jensen of using a plurality of magnetic holding devices to hold a sheet material in position. The structural members in Jensen are already permanently in position; Jensen serves the purpose of protecting them from contact, as opposed to holding sheet material, specifically, the step of placing sheet material against one magnetically receptive surface of a structure and then placing the magnetic holding devices against the sheet material, holding the sheet material in position between the magnetic surfaces of the holding devices. In Jensen, the issue is protecting an existing structure against possible damage caused by new construction, while in the present invention, it is in part of the construction process. Accordingly, claim 20 and the claims dependent thereon are patentable over Jensen.

In view of the above, allowance of the application is respectfully requested.

Respectfully submitted,

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